

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SAMUEL LEE JONES, Jr.,)	
ID # 1787475,)	
Petitioner,)	
vs.)	No. 3:14-CV-3134-D
)	
WILLIAM STEPHENS, Director,)	
Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	

ORDER

After making an independent review of the pleadings, files, and records in this case, including the February 17, 2015 findings, conclusions, and recommendation of the magistrate judge, as supplemented by the July 15, 2015 findings, conclusions, and recommendation of the magistrate judge, which address petitioner's March 30, 2015 motion for stay and continuance of habeas petition, and his April 3, 2015 supplemental motion for stay and continuance of habeas petition, the court concludes that the findings and conclusions, as supplemented, are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge, as supplemented, are adopted.

Accordingly, the court denies petitioner's motion and supplemental motion for stay and continuance of habeas petition, and, by judgment filed today, it dismisses this habeas petition without prejudice for failure to exhaust state court remedies.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the

petitioner has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S.473, 484 (2000).


If petitioner files a notice of appeal,

() petitioner may proceed *in forma pauperis* on appeal.

(X) petitioner must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

August 27, 2015.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE